

# Park Law

by Heather M. Eichenbaum, Esq.



## Employee Satisfaction Interviews

**W**e all know there is tremendous employee turnover in the amusement industry. Whenever possible, employees should be interviewed at least once per season to get feedback, whether positive or negative, about how they feel their job is going. This allows you to gain valuable insight regarding employee job satisfaction and address legitimate concerns. In addition, it can not only tip you off to an employee who may be considering lodging a complaint, but giving the employee a chance to vent his complaints and feel 'heard' could actually discourage him from filing an employment based claim. As important as the mid-season routine interview, however, is a thorough exit interview - whether an employee is going to be fired or if he resigns.

In the case of the involuntary termination of an employee, an in-person exit interview should be conducted just before giving the employee notice. An employee voluntarily leaving his job can be interviewed on his last day of employment. Regardless of the circumstances under which the employee is leaving, inquire whether he has any complaints about his employment, his supervisor(s) or co-workers, or the expectations placed upon him in his job. Give the employee every opportunity to complain about whatever he chooses. Affirmatively ask whether he has any complaints. You then have evidence to use in your defense of any later claim by the employee if he didn't make any complaints in the interview.

Employee interviews are best conducted in-person and verbally and, if the employee will agree, they are recorded. There is no better evidence of what both parties to the interview said, or how they said it, than an audio recording. Make sure the employee confirms on the recording that he consents to the interview being recorded. Alternatively, if you don't have the staff or time to conduct verbal interviews, have employees periodically, and particularly before termination, complete a 'survey' asking the same questions and allowing ample space for comments and complaints. Be certain each paper survey is signed and dated by the employee.

In addition to inquiring about complaints in the exit interview, ask whether the employee has been involved in any patron incidents or complaints. This is important because you may end up defending lawsuits for incidents in which the soon-to-be-former employee was either directly involved or was a key witness. You deal with countless incidents every season but the employee will likely remember if he was involved in such an event because it wouldn't be as common for him. Thus, if you ask, he will bring to your attention any incidents for which you should be sure to retain his training and personnel file longer than you otherwise might, and for which he may end up being a critical witness.

Finally, whether you audio record or conduct the interviews by written questionnaire, retain them for at least two years after the employee leaves your company. Audio recordings can be easily transferred to an audio file on your computer system for safe-keeping and, if written, the original documents can be scanned and also saved electronically.

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